

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

TOMMY LEE WILSON, #225500,)
Petitioner,)
v.) CIVIL ACTION NO. 3:06-CV-751-WKW
RALPH HOOKS, et al.,)
Respondents.)

O R D E R

Upon review of the answer filed by the respondents on October 6, 2006 (Court Doc. No. 9), and as this response fails to address each of the directives of the order entered on August 25, 2006 (Court Doc. No. 4), it is

ORDERED that on or before October 25, 2006, the respondents shall file a supplemental answer which addresses whether the petitioner filed an application for rehearing and petition for writ of certiorari upon entry of the memorandum opinion by the Alabama Court of Criminal Appeals on the Rule 32 petition. If the petitioner undertook such actions, the respondents shall file copies of all documents relevant to these proceedings as exhibits to the supplemental answer. If, however, the petitioner failed to seek rehearing and/or did not file a petition for writ of certiorari on appeal from the denial of his Rule 32 petition, the respondents shall address the impact, if any, that these failures have on his ineffective assistance of counsel and newly discovered evidence claims. *See O'Sullivan v.*

Boerckel, 526 U.S. 838, 119 S.Ct. 1728, 144 L.Ed.2d 1 (1999); *Smith v. Jones*, 256 F.3d 1135, 1140-1146 (11th Cir. 2001), *cert. denied*, 534 U.S. 1136, 122 S.Ct. 1081, 151 L.Ed.2d 982 (2002).

Done this 11th day of October, 2006.

/s/ Delores R. Boyd
DELORES R. BOYD
UNITED STATES MAGISTRATE JUDGE